

YSABELLE NACHACK

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Plaintiff Pro Se

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

YSABELLE NACHACK

) **Case No.: 5:24-CV-00027-SVK**

)

Plaintiff(s),

) **Plaintiff's Witness Testimony**
) **Statement**

)

VS.

)

WALMART INC., A Delaware
Corporation

) **Case Assigned to: Magistrate**
) **Judge Susan van Keulen**

Defendant(s).

)

)

Complaint Filed: February 1, 2023

Trial Date: August 18, 2025

DECLARATION OF YSABELLE NACHACK IN SUPPORT OF
PLAINTIFF'S CASE

I, Ysabelle Nachack, declare and testify as follows:

1 1. I am the plaintiff in the above-captioned matter and make this
2 declaration based on my personal knowledge. If called as a witness at trial,
3 I could and would testify competently to the facts stated herein.

4 2. On **October 30, 2022**, I purchased hair coloring online through
5 Walmart. When I received the item, the color was not what I had ordered.

6 3. On **November 15, 2022**, between approximately **10:00 AM and 11:30**
7 **AM**, I visited **Walmart Store #301 located at 301 Ranch Drive,**
8 **Milpitas, California**. I was accompanied by a friend and intended to
9 exchange the incorrect item or request a store credit.
10

11 4. I approached the customer service counter and politely asked the clerk
12 for help with the exchange. I presented my **cell phone** showing the **online**
13 **purchase receipt**, with a clear display of the **order number, item details,**
14 **and pictures of the items I purchased using my credit card.**
15

16 5. I informed the clerk that the purchase was made online and that I had
17 the proper receipts. Despite this, the clerk refused to assist and instructed
18 me to call online customer service.

19 6. I called online customer service immediately while still standing at the
20 customer service counter. I informed the clerk that I was on the phone with
21 them. I also asked to speak with a store manager.
22

23 7. A manager came out from the office. I calmly and politely explained my
24 situation again: I had ordered online, had proper receipts, and simply
25 wanted to exchange the item. The manager did not ask to view my receipt
26 or inspect the bag I had in my hand.
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28

1 8. Instead, she abruptly told me to “**go talk outside.**” As I attempted to
2 clarify my situation, she suddenly and **aggressively grabbed my bag,**
3 yanked it from my hand, and loudly accused me of stealing, shouting
4 “**You’re stealing it!**”

5
6 9. I was **shocked and humiliated.** I immediately stated that I had paid for
7 the items and had proof of purchase. I asked her to return my bag. She
8 refused and said she would call the police. I encouraged her to do so
9 because I had done nothing wrong.

10 10. I reached for my bag and retrieved it. She continued to shout, “**Get**
11 **out! Get out!**” loudly and repeatedly. Another Walmart employee joined
12 in, also yelling “**Get out!**”

13
14 11. Fearing further physical harm, I backed away and left the store area,
15 continuing to assert that I had not stolen anything and had proof of
16 purchase.

17 12. As a result of the incident, I suffered **physical injuries,**
18 including **bruises and scratches on my hand,** as well as **back pain** from
19 the forceful grab. I was emotionally shaken, **deeply**
20 **embarrassed, distressed, and traumatized** by being falsely accused of
21 theft in public.

22
23 13. My friend, **Joshua,** who had been shopping in the store during the
24 incident, met me at my car. I was too traumatized to speak, so he called
25 Walmart’s corporate Ethics Department within 10 minutes of the incident.

26 14. We spoke to a representative named **Juliet,** who took our report and
27 issued a **case reference number: WMT22117877.** I requested that
28

1 Walmart **preserve and provide the video surveillance footage** of the
2 incident. I also provided my **telephone number and email address** to be
3 contacted for follow-up.

4 15. On **November 17, 2022**, I received an email from Walmart confirming
5 that an investigation would be conducted. However, despite three
6 additional follow-up calls I made, no one from Walmart contacted me
7 further.

8 16. Eventually, Walmart admitted that they **did not retain the video**
9 **footage**, despite my early and repeated requests. I believe this footage
10 would have clearly shown that I was not acting aggressively, had proof of
11 purchase, and was falsely accused and physically confronted by Walmart
12 employees.

13 17. I intend to request that the Court **draw an adverse inference** from
14 Walmart's failure to preserve evidence that was fully under their control
15 and crucial to my case.

16 18. I bring this action not only to seek damages for my **physical**
17 **injuries** and **emotional trauma**, but also because I believe Walmart
18 employees **violated my civil rights** through **unreasonable seizure, false**
19 **accusation**, and **public defamation**, all in a manner inconsistent with the
20 protections afforded under federal and state law.

21 I declare under penalty of perjury under the laws of the United States of
22 America that the foregoing is true and correct.

1 Respectfully submitted,

2 Dated: August 10, 2025

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4 YSABELLE NACHECK
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6 Pro Se Plaintiff
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